

IN RE: PETITION FOR ZONING VARIANCE
E/S Old Harford Road, 550' S
of the C/L of Cub Hill Road
(9413 Old Harford Road)
9th Election District
4th Councilmanic District
Alden L. Coke, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-153-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a lot width of 90.76 feet in lieu of the required 100 feet and a side yard setback of 10 feet in lieu of the required 15 feet for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 2.

The Petitioners, by Mr. Coke, appeared and testified. Also appearing on behalf of the Petition was William Burton, Contractor. Also appearing as interested parties were David and Mary Bell, adjoining property owners.

Testimony indicated that the subject property, known as 9413 Old Harford Road, is zoned D.R. 2 and consists of 1.96 acres. Petitioners purchased the property five years ago and reside in the existing dwelling to the front of the property as depicted in Petitioner's Exhibit 1. Mr. Coke indicated he proposes subdividing the property to provide two building lots for his children and/or for sale. Due to the necessity for creating a panhandle drive for access to proposed Lots 2 and 3, Lot 1 will require the requested variances for the existing dwelling. Mr. Burton indicated that Lots 2 and 3 can be developed with dwellings of sufficient size and in strict compliance with the zoning regulations without seeking any variances.

Mr. & Mrs. Bell indicated they have no objections to the request after examining the proposal and do not feel there will be any adverse affect on their property.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of November, 1988 that the Petition for Zoning Variance to permit a lot width of 90.76 feet in lieu of the required 100 feet and a side yard setback of 10 feet in lieu of the required 15 feet for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED from and after the date of this Order.

1) The Petitioner shall not request any future variances from side, front or rear yard setback requirements to construct a dwelling on Lots 2 and/or 3 unless such request is due to a change in the zoning regulations.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

-2-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

November 2, 1988

Mr. & Mrs. Alden L. Coke
9413 Old Harford Road
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
E/S Old Harford Road, 550' S of the C/L of Cub Hill Road
(9413 Old Harford Road)
9th Election District - 6th Councilmanic District
Alden L. Coke, et ux - Petitioners
Case No. 89-153-A

Dear Mr. & Mrs. Coke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. David Bell
2811 Cub Hill Road, Baltimore, Md. 21234

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-153-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1. To permit a lot width of 90.76' and a sideyard setback of 10' in lieu of the required 100' and 15' respectively.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

NAME, ADDRESS AND PHONE NUMBER OF LEGAL OWNER, CONTRACT PURCHASER OR REPRESENTATIVE TO BE CONTACTED

Name

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____, 1988, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the _____ day of _____, 1988, at _____ o'clock

P.M.

Zoning Commissioner of Baltimore County.

(over)

DESCRIPTION OF PROPERTY TO ACCOMPANY PETITION FOR ZONING VARIANCE 9413 OLD HARFORD ROAD NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point in or near the centerline of Old Harford Road at the distance of 550 feet more or less, measured in the southwesterly direction from the point formed by the intersection of the centerline of Old Harford Road and the centerline of Cub Hill Road; thence leaving Old Harford Road and running South 59 degrees 30 minutes 20 seconds East 588.60 feet; thence South 32 degrees 44 minutes 40 seconds West 236.50 feet; thence North 59 degrees 25 minutes 20 seconds West 145.24 feet; thence North 12 degrees 59 minutes 40 seconds East 127.00 feet and thence North 59 degrees 25 minutes 20 seconds West 359.80 feet to a point in or near the centerline of Old Harford Road; thence binding thereon North 12 degrees 59 minutes 40 seconds East 120.00 feet to the point of beginning; containing 1.96 acres more or less.

8/23/88

APR ASSOCIATES, INC.
Alexander P. Rapp, Prof. L.S.
Richard J. Tinsford, P.E.
Robert L. Gault, P.E.
Paul A. Rapp, P.E.
Edward F. Gault, Prop. L.S.
Robert L. Hayne

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Robert L. Hayne

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th
Posted for: Monica
Petitioner: Alden L. Coke, et ux
Location of property: Old Harford Rd. 550' S of Cub Hill Rd.
Location of Sign: Property at Old Harford Rd. 550' S of Cub Hill Rd.
Remarks: Property of Baltimore
Posted by: ANN M. NASTAROWICZ
Number of Signs: 1
Date of Posting: 10/18/88
Date of ret. a: 10/18/88

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 17, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 29, 1988.

THE JEFFERSONIAN,

S. Zeke Orlum
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Alden Coke
9413 Old Harford Road
Baltimore, Maryland 21234

RE: Petition for Zoning Variance
CASE NUMBER: 89-153-A
E/S Old Harford Road, 550' S of Cub Hill Road
(9413 Old Harford Road)
9th Election District - 6th Councilmanic
Petitioner(s): Alden Lowell Coke, et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 2:00 p.m.

Dear Mr. & Mrs. Cokes:

Please be advised that \$80.55 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204, 15 minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 10-21-88 ACCOUNT: 8-01-615-000

AMOUNT: \$ 80.55

RECEIVED: Alden Lowell Coke

FOR: Posting and Advertising (89-153-A)

8 B C S *****3955-A 871-F

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

September 14, 1988

NOTICE OF HEARING

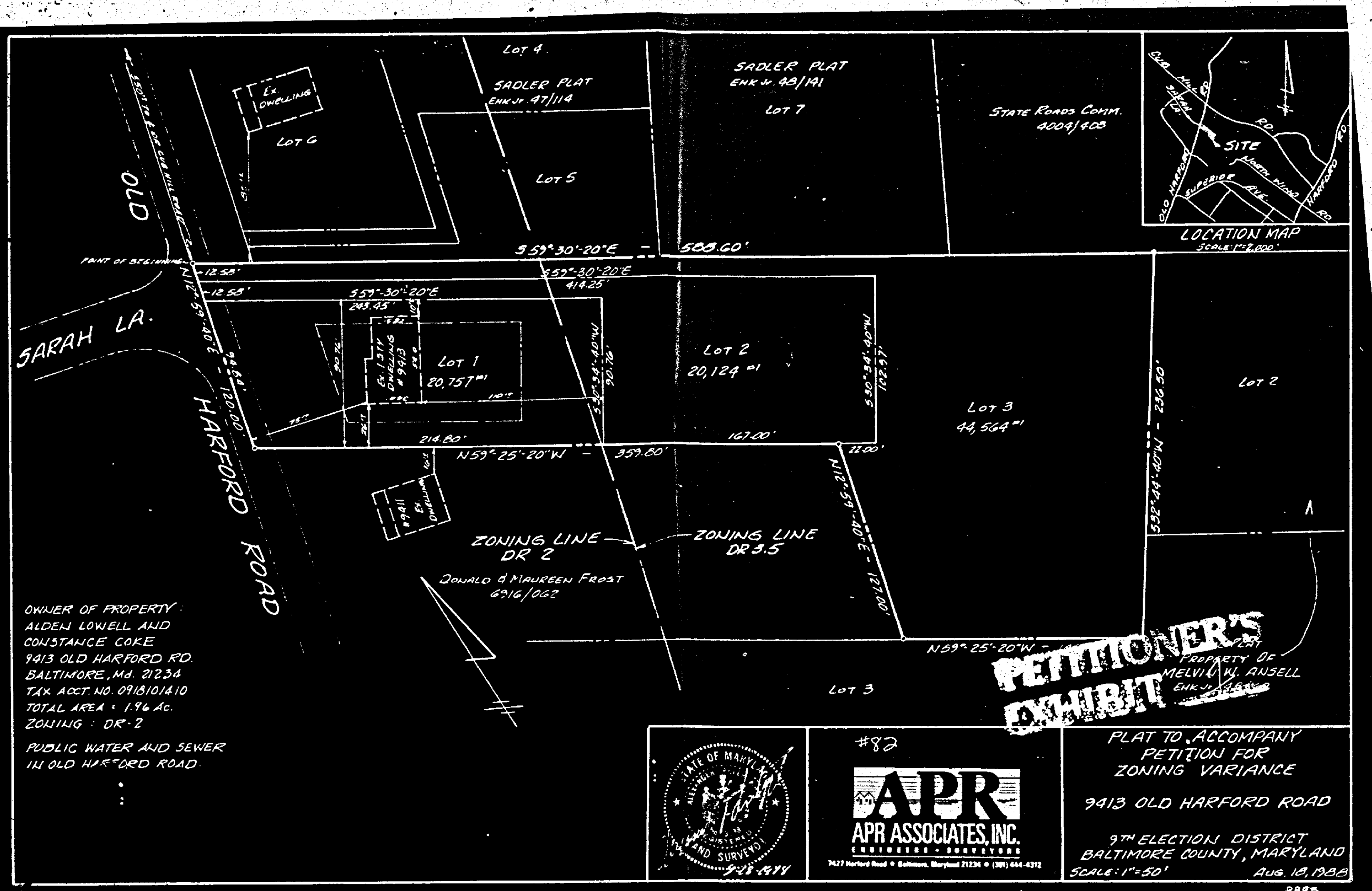
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-153-A
E/S Old Harford Road, 550' S of Cub Hill Road
(9413 Old Harford Road)
9th Election District - 6th Councilmanic
Petitioner(s): Alden Lowell Coke, et ux
HEARING SCHEDULED: FRIDAY, OCTOBER 21, 1988 at 2:00 p.m.

Variance to permit a lot width of 90.76' and a sideyard setback of 10' in lieu of the required 100' and 15' respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Coke
Mr. Karen M. Burton
File



89-153-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
7th day of September, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Alden L. Coke, et ux
Petitioner's Attorney: _____

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2388
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

September 12, 1988

Dennis F. Rasmussen
County Executive

Re: Property Owner: Alden Lowell Coke, et ux
Location: E/S of Old Harford Road, 550' S of c/l of Cub Hill Road
Item No.: 82 Zoning Agenda: Meeting of 9/6/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill* Noted and Approved: _____
Planning Bureau Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Alden L. Coke
9413 Old Harford Road
Baltimore, Maryland 21234

RE: Item No. 82 - Case No. 89-153-A
Petitioner: Alden L. Coke, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Coke:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

